

HOUSE OF REPRESENTATIVES

Healthy Communities Council

Representative Mike Fasano, Chair
Representative Curtis B. Richardson, Vice Chair

2002 SUMMARY OF PASSED LEGISLATION



Child & Family Security Committee

Representative Nancy C. Detert, Chair
Representative Cindy Lerner, Vice Chair

Crime Prevention, Corrections & Safety Committee

Representative Gus Michael Bilirakis, Chair
Representative Aaron P. Bean, Vice Chair

Elder & Long Term Care Committee

Representative Carole Green, Chair
Representative Mark Weissman, Vice Chair

Health Promotion Committee

Representative Kenneth W. "Ken" Littlefield, Chair
Representative Mike Hogan, Vice Chair

Health Regulation Committee

Representative Frank Farkas, Chair
Representative Eleanor Sobel, Vice Chair

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Council for Healthy Communities

HB 1393 -- Sentencing

By Council for Healthy Communities; Representative Fasano

Linked Bills: None

Tied Bills: Identical SB 1968

Committee(s)/Council(s) of Reference: Council for Healthy Communities

This bill reenacts section 5 of chapter 99-188 which amends s. 784.08 to create a three year minimum mandatory sentence for aggravated assault or battery of a person 65 years of age or older. The bill also reenacts section 12 of chapter 99-188 which requires the Executive Office of the Governor to “place public service announcements in visible local media throughout the state explaining the penalties provided” in the act.

The reenactment of these provisions will close the window period for challenge of the act in the event that the Florida Supreme Court affirms the decision of the Second District Court of Appeal by finding that chapter 99-188 is a violation of the single subject requirement. The bill also provides that “[t]he provisions reenacted by this act shall be applied retroactively to July 1, 1999, or as soon thereafter as the Constitution of the State of Florida and the Constitution of the United States may permit.”

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming law.

HB 1395 -- Sentencing

By Council for Healthy Communities; Representative Fasano

Linked Bills: None

Tied Bills: Identical SB 1966

Committee(s)/Council(s) of Reference: Council for Healthy Communities

HB 1395 reenacts section 4 of chapter 99-188 which amends s. 784.07, F.S. to create a three year minimum mandatory sentence for aggravated assault of a law enforcement officer and a five year minimum mandatory sentence for aggravated battery of a law enforcement officer. The bill also reenacts section 12 of chapter 99-188 which requires the Executive Office of the Governor to “place public service announcements in visible local media throughout the state explaining the penalties provided” in the act.

The reenactment of these provisions will close the window period for challenge of the act in the event that the Florida Supreme Court affirms the decision of the Second District Court of Appeal by finding that chapter 99-188 is a violation of the single subject requirement.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming law.

HB 1397 -- Sentencing

By Council for Healthy Communities; Representative Fasano

Linked Bills: None

Tied Bills: Identical SB 1970

Committee(s)/Council(s) of Reference: Council for Healthy Communities

HB 1397 reenacts sections 1, 3 and 6 of chapter 99-188. Section 1 of chapter 99-188 provides that the act may be cited as the “Three-Strike Violent Felony Offender Act”. Section 3 of chapter 99-188 creates penalties for three-time violent felony offenders. Section 6 of chapter 99-188 corrects a statutory cross-reference. Section 3 also provided that the mandatory penalties authorized by the three-strikes provision do not prevent a court from imposing a greater sentence as authorized by law. Thus, the greater penalties authorized by the habitual felony offender, habitual violent felony offender, and the career criminal enhancements are not thwarted by the mandatory minimum penalties imposed by the three-strikes enhanced penalty.

The bill also reenacts section 12 of chapter 99-188 which requires the Executive Office of the Governor to “place public service announcements in visible local media throughout the state explaining the penalties provided” in the act. The reenactment of these provisions will close the window period for challenge of the act in the event that the Florida Supreme Court affirms the decision of the Second District Court of Appeal by finding that chapter 99-188 is a violation of the single subject requirement.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming law.

HB 1399 -- Sentencing

By Council for Healthy Communities, Representative Fasano

Linked Bills: None

Tied Bills: Identical CS/SB 1964

Committee(s)/Council(s) of Reference: Council for Healthy Communities

The bill reenacts section 2 of chapter 99-188 which makes clarifying changes to the prison releasee reoffender statute and creates enhanced penalties for repeat sexual batterers. The bill reenacts section 8 of chapter 99-188 which corrects several statutory cross-references. The bill also reenacts section 12 of chapter 99-188 which requires the Executive Office of the Governor to “place public service announcements in visible local media throughout the state explaining the penalties provided” in the act.

The reenactment of these provisions will close the window period for challenge of the act in the event that the Florida Supreme Court affirms the decision of the Second District Court of Appeal by finding that chapter 99-188 is a violation of the single subject requirement.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming law.

HB 1401 -- Sentencing

By Council for Healthy Communities; Representative Fasano

Linked Bills: None

Tied Bills: Identical SB 1972

Committee(s)/Council(s) of Reference: Council for Healthy Communities

The bill reenacts section 9 of chapter 99-188 which amends the drug trafficking statutes. The bill also reenacts section 10 of chapter 99-188 which in turn reenacts several sections of Florida Statutes to incorporate the amendments contained in section 9. The bill also reenacts section 12 of chapter 99-188 which requires the Executive Office of the Governor to “place public service announcements in visible local media throughout the state explaining the penalties provided” in the act.

The reenactment of these provisions will close the window period for challenge of the act in the event that the Florida Supreme Court affirms the decision of the Second District Court of Appeal by finding that chapter 99-188 is a violation of the single subject requirement.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming law.

Child & Family Security Committee

HB 161, 1st Eng. -- Children/Relative Caregiver Program

By Representative Garcia

Linked Bills: None

Tied Bills: Similar CS/CS/SB 360

Committee(s)/Council(s) of Reference: Child & Family Security; Health & Human Services Appropriations; Council for Healthy Communities

HB 161 expands eligibility for assistance under the Relative Caregiver Program to include half-brothers or half-sisters who are adjudicated dependent by the courts and placed with relatives for their care. House Bill 161 will help keep families together and allow for children who might otherwise have to be placed in foster care, to be cared for by relatives.

The current Relative Caregiver Program provides cash and medical assistance to a relative who would not otherwise be able to care for the child. The child must be placed with the relative by the dependency court pursuant to ch. 39, F.S., and related within five degrees of relationship by blood or marriage (i.e., a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece or nephew, whether related by whole or half blood, by affinity or by adoption).

The bill also provides that children in the program are to receive priority for placement in the school readiness program for prekindergarten children and also to be exempt from the payment of fees for a workforce development, community college or vocational-technical education program, as is already provided for foster care children.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/HB 245, 1st Eng. -- Road-to-Independence Act

By Council for Healthy Communities; Representative Detert

Linked Bills: None

Tied Bills: Similar CS/SB 996

Committee(s)/Council(s) of Reference: Child & Family Security; Health & Human Services Appropriations; Council for Healthy Communities

HB 245, known as the Road to Independence Act of 2002, targets the nearly one-third number of children in foster care who are teenagers and no longer likely candidates for adoption. Each year teens exit the foster care system at age 18 with the expectation they can live self-sufficiently.

HB 245 enhances integration and access to services that provide life-management, employment and education skills that teens need for a successful transition from foster care to young adulthood. The bill takes advantage of new opportunities provided by federal law and expanded federal funding.

For young adults who were formerly in foster care at age 18, HB 245 provides a "Road to Independence Scholarship." Participants will get a flat stipend while they attend

school full time to get a college education or technical training. The bill provides clearer financial support, a reinstatement and appeals process, and more independence for participants taking responsibility in their daily lives, than what is provided by the current subsidized independent living program in s. 409.145, F.S. After-Care Support will be available at any time up to age 23 to provide assessment and referral to community resources and temporary assistance. Young adults will be able to get short-term Transitional-Support, such as housing assistance and counseling, when they need critical help in their efforts to achieve self-sufficiency.

For children under age 18 who are still in foster care, HB 245 provides new Pre-Independent Living services to help 13-15 year olds begin to prepare for independence from foster care. Life skills, such as life management training, educational support and employment training are provided to youth ages 15 to 18.

HB 245 also provides for an interagency workgroup to address improved access to existing supports for older youth in foster care and young adults who leave foster care.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2002.

CS/SB 288 -- Children/Continuances/Case Plans

By Judiciary; Senator Campbell

Linked Bills: None

Tied Bills: Identical CS/CS/HB 511

Committee(s)/Council(s) of Reference: Children and Families; Judiciary; Appropriations Subcommittee on Health and Human Services; Appropriations

SB 288 expands to all parties in child dependency court proceedings the ability to request a continuance due to lack of material evidence. This includes the parents, legal custodians and guardian ad-litem of the child—not just the attorney for the Department of Children and Families, or petitioner as currently provided for. The bill emphasizes the need to adhere to time frames and to limit extensions in order to preserve the rights of the child. It limits the total amount of time allowed for continuances to 60 days per year, and removes the required 15-day shelter placement review.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

HB 523 -- Community Human Services Infrastructure

By Representative Ball

Linked Bills: None

Tied Bills: Similar SB 1050

Committee(s)/Council(s) of Reference: Child & Family Security; Judicial Oversight; Council for Healthy Communities

The Department of Children and Families, in consultation with local communities, is required to establish a community alliance of the stakeholders, community leaders, client representatives and representatives of entities that fund human services in each county to provide a focal point for community participation and governance of community-based services.

The initial membership of the community alliance in a county is composed of the district administrator and representatives from county government, the school district, the county United Way, county sheriff's office, the circuit court corresponding to the county, and from the county children's board, if one exists.

HB 523 includes the local state attorney and public defender among those persons who may be added to the membership of a county community alliance after the initial meeting of the community alliance.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

SB 592 -- Adoption Assistance

By Senator Peadar

Linked Bills: None

Tied Bills: Similar HB 0881, Compare CS/2nd Eng./HB 775

Committee(s)/Council(s) of Reference: Children and Families; Appropriations Subcommittee on Health and Human Services; Appropriations

SB 592 creates the Interstate Compact on Adoption and Medical Assistance and authorizes the Department of Children and Families to enter into interstate compacts with other states to provide for interstate protection of adoption assistance and medical assistance for children with special needs. The interstate compacts provide an agreed upon process for facilitating an immediate and smooth re-establishment of Medicaid eligibility for families with special needs children under adoption assistance programs who move into or out of Florida.

The bill stipulates the provisions of the Interstate Compact on Adoption and Medical Assistance. These provisions include authorizing the department to enter into supplemental agreements, stipulating required components of the interstate compacts, limiting the special needs children covered to those from other states where an interstate compact with Florida exists, allowing Florida to add additional procedures and social services, and requiring that the provisions of this compact be included in appropriate state plans required by applicable federal laws. The bill also prohibits the department from expanding the financial commitment of Florida beyond its current obligation for the adoption assistance agreements and Medicaid in its interstate agreements with other states for the implementation of the compact.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/CS/SB 632, 2nd Eng. -- Residential Group Care

By Appropriations; Children and Families; Senator Peadar

Linked Bills: None

Tied Bills: Similar CS/HB 755

Committee(s)/Council(s) of Reference: Children and Families; Appropriations Subcommittee on Health and Human Services; Appropriations

CS/CS/SB 632 improves implementation of privatized, community-based foster care, and provides for statewide expansion of residential group care and targeted case management to care for older children with behavioral needs.

- CS/CS/SB 632 moves the completion date for implementation of privatized, community-based foster care statewide to December 31, 2004, and requires the Department of Children and Families (DCF) to establish model comprehensive residential services in counties not privatized by that date.
- The bill removes the pilot status of residential group care and targeted case management to provide for statewide implementation, contingent on an appropriation, and provides for a residential group care appropriation category.
- CS/CS/SB 632 reduces the financial risk of privatizing foster care by requiring development of a long-term, shared-earnings program for the department and lead agencies.
- CS/CS/SB 632 provides for expanded capacity in family foster homes. It specifies that the total number of children placed in each home be based on the recommendation of the Department of Children and Families or the community-based lead agency.
- CS/CS/SB 632 provides for dual payments to licensed family foster care homes for out-of-home care and subsidized child care.
- The bill also requires an agreement between lead agencies and Healthy Families for local planning of prevention and intervention services, and for OPPAGA to review the process for placing children in residential mental health treatment and to report by January 1, 2003.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/HB 751 -- Community Mental Health Services

By Council for Healthy Communities; Representative Murman;

Linked Bills: None

Tied Bills: Similar CS/SB 598

Committee(s)/Council(s) of Reference: Child & Family Security; Health & Human Services Appropriations; Council for Healthy Communities

CS/HB 751 requires that the Department of Children and Families (DCF) expand community mental health services with funds appropriated under the General Appropriations Acts for fiscal years 2001–2002 and 2002–2003 and under future legislative appropriations by implementing programs that emphasize crisis services, treatment, rehabilitation, support, and case management as defined in ch. 394, F.S.

The bill also requires the department and the Agency for Health Care Administration to develop and submit annual estimates of the need for mental health services to the Executive Office of the Governor, the President of the Senate and the Speaker of the House on August 1 of each year.

A status report must be submitted by DCF to the Governor and the Legislature on October 1, 2002, and October 1, 2003, concerning the progress made toward expanding the community mental health services with new legislative appropriations.

The bill requires that crisis services be implemented as appropriated by January 1, 2004, and community mental health services be implemented, as appropriated, by January 1, 2006, in Florida's publicly funded community mental health system.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 1177, 2nd Eng. -- Direct-Support Organizations

By Representative Gottlieb;

Linked Bills: None

Tied Bills: Similar CS/SB 1862

Committee(s)/Council(s) of Reference: Child & Family Security; Health & Human Services Appropriations; Council for Healthy Communities

HB 1177 authorizes the Department of Children and Families and the Department of Elder Affairs to establish "direct-support organizations" to raise funds, receive grants, gifts and bequests and make expenditures for the benefit of the departments and their projects and programs. It creates sections 20.193 and 430.065, F.S.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 1283 (Chapter No. 2002-10) -- Parents' and Children's Day

By Representative Ausley

Linked Bills: None

Tied Bills: Identical CS/SB 1500

Committee(s)/Council(s) of Reference: Child & Family Security; Council for Healthy Communities

This bill amends s. 683.17, F.S., by renaming "Children's Day" as "Parents' and Children's Day" and changing the date to first Sunday in April, with the intent that Florida's "Parents' and Children's Day" becomes the model for a National Parents' and Children's Day. It also encourages observation of this day by wearing a white ribbon and with appropriate activities, ceremonies, public awareness materials, and programs.

With the change of the name, the bill is introducing a public awareness component that would give parents the informational resources they need to raise healthy and productive children. This will be done by utilizing resources already provided by the state in partnership with private organizations that will fund the coordination of a statewide public awareness campaign.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/SB 1766, 2nd Eng. -- Adoption Assistance

By Health, Aging and Long-Term Care; Senator Sullivan

Linked Bills: None

Tied Bills: Similar HB 1467 1st Eng.

Committee(s)/Council(s) of Reference: Children and Families; Appropriations
Subcommittee on Health and Human Services; Appropriations

Committee Substitute for Senate Bill 1766 requires every hospital, birthing facility, and provider of home birth that has maternity and newborn services to provide parents of a newborn infant information concerning the dangers of shaking infants and young children. The Department of Health must prepare a brochure that describes the dangers of shaking infants and young children and other specified information.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/CS/SB 2254 -- Supportive Housing

By Health, Aging and Long-Term Care; Children and Families; Senator Brown-Waite

Linked Bills: None

Tied Bills: Similar CS/HB 1659

Committee(s)/Council(s) of Reference: Children and Families; Health, Aging and Long-Term Care; Governmental Oversight and Productivity

CS/CS/SB 2254 directs the Department of Children and Families to establish a workgroup to address standards for supportive housing services. These services are provided to people with persistent mental illness, to enable them to live in their own homes, instead of a residential facility. The bill provides for representation on the workgroup. Recommendations of the workgroup are to be included in the January 2003 update of the mental health and substance abuse master plan.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

Crime Prevention, Corrections & Safety Committee

CS/CS/CS/SB 90 -- Career Offenders

By Appropriations; Judiciary; Criminal Justice; Senator Laurent

Linked Bills: None

Tied Bills: Similar HB 143, Compare SB 554

Committee(s)/Council(s) of Reference: Criminal Justice; Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations

This bill creates a system and process for the registration of certain career offenders and authorizes community and public notification of certain registration information. A "career offender" is any person who is designated as a habitual violent felony offender, a violent career criminal, or a three-time violent felony offender under s. 775.084, F.S., or as a prison releasee reoffender under s. 775.082(9), F.S. The bill appropriates \$172,800 from nonrecurring general revenue to the Department of Highway Safety and Motor Vehicles for fiscal year 2002-2003. The bill also appropriates five full-time equivalent positions and \$338,134 from recurring general revenue and \$244,100 from nonrecurring general revenue to the Department of Law Enforcement for fiscal year 2002-2003 to implement the provisions of the bill.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/HB 163, 2nd Eng. -- Sexual Offenses

By Crime Prevention, Corrections & Safety; Representative Paul

Linked Bills: None

Tied Bills: Identical CS/SB 934, 1st Eng.

Committee(s)/Council(s) of Reference: Crime Prevention, Corrections & Safety; Council for Healthy Communities

Section 825.1025(2), F.S. prohibits the offense of lewd or lascivious battery on an elderly person or disabled adult. The committee substitute amends this section to apply the offense to a disabled "person" rather than a disabled "adult." The committee substitute ranks the offense in level 8 of the offense severity ranking chart (rather than in level 7). This will increase the lowest permissible sentence for the offense to correspond to the offense of sexual battery.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/SB 188, 1st Eng. -- Officer Scott Baird Act

By Criminal Justice; Representative Smith

Linked Bills: None

Tied Bills: Identical CS/HB 389

Committee(s)/Council(s) of Reference: Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations

The committee substitute provides that a person who causes the death of a law enforcement officer, correctional officer, correctional probation officer, firefighter,

emergency medical technician, or paramedic through culpable negligence commits aggravated manslaughter. The offense is a first degree felony, punishable by up to 30 years in prison.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

SB 196, 1st Eng. -- HSMV/Exclusionary Rule

By Senator Villalobos

Linked Bills: None

Tied Bills: HB 601

Committee(s)/Council(s) of Reference: Criminal Justice; Judiciary

This bill creates a statutory exception to the exclusionary rule for situations where a law enforcement officer effects an arrest based on objectively reasonable reliance on information obtained from the Division of Driver Licenses or the Division of Motor Vehicles. With regard to such cases, the bill provides that evidence shall not be suppressed on the grounds that an arrest is subsequently determined to be unlawful due to erroneous information obtained from the Division of Motor Vehicles or the Division of Driver Licenses.

The bill also makes specific Legislative findings with respect to the Department of Highway Safety and Motor Vehicles, the Division of Driver Licenses, the Division of Motor Vehicles and the exclusionary rule.

The bill also provides that records created and maintained by the divisions pursuant to chapter 320 or chapter 322 shall not be regarded as law enforcement functions of agency record keeping.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

HB 219 -- Open House Parties

By Representative Ball

Linked Bills: None

Tied Bills: Identical SB 380

Committee(s)/Council(s) of Reference: Crime Prevention, Corrections & Safety; Judicial Oversight; Council for Healthy Communities

Current law prohibits a person 21 years of age or older, who is in control of a premises, from having an "open house party" at which the person knowingly allows an underage person to consume or possess alcoholic beverages or drugs on the premises. This bill lowers the applicable age from 21 to 18.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/SB 560 -- Inmate Welfare Trust Fund

By Criminal Justice; Senator Futch

Linked Bills: None

Tied Bills: Similar CS/HB 483

Committee(s)/Council(s) of Reference: Criminal Justice

CS/SB 560 makes various changes to s. 945.215, F.S., which regulates the use of funds from the Inmate Welfare Trust Fund (IWTF) within the Department of Corrections. The committee substitute allows for the purchase, rental, maintenance, and repair of wellness equipment, audiovisual equipment, and electronic equipment with monies from the IWTF, unless specifically prohibited by law. The committee substitute expressly prohibits the purchase of weight training equipment with IWTF monies, and it also clarifies that money from the trust fund cannot be used to purchase cable television service, VCRs, video tapes or other electronic media or equipment used primarily for recreational purposes.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/SB 570, 1st Eng. -- Project Hope

By Committee on Criminal Justice; Senator Miller

Linked Bills: None

Tied Bills: Similar HB 415, 1st Eng.; includes part of CS/SB 376

Committee(s)/Council(s) of Reference: Criminal Justice

The bill creates a community-based pilot program entitled Project HOPE in Pinellas County and Hillsborough County and specifies that certain persons convicted of prostitution related offenses are required to participate in the program. The bill provides that a third or subsequent violation of provisions prohibiting prostitution, certain activities related to prostitution, or the purchase of services from a person engaged in prostitution is a third-degree felony rather than a second-degree misdemeanor.

Additionally, the bill provides an appropriation for fiscal year 2002-2003 of \$100,000 to Pinellas County and \$100,000 to Hillsborough County for this project.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

SB 612 -- Controlled Substances/Carisoprodol

By Senator Peadar

Linked Bills: None

Tied Bills: Similar HB 351

Committee(s)/Council(s) of Reference: Criminal Justice

SB 612 places the drug carisoprodol, a prescription muscle-relaxant, under Schedule IV of the drug schedules, therefore making the drug a "controlled" substance. Placement under Schedule IV will place restrictions on the number of allowable refills within specific time frames (no more than 5 refills within 6 months). Schedule IV placement will also make it a third degree felony to do any of the following: purchase, sell, manufacture, or deliver (or have intent to do any of the aforementioned activities) or to be in possession

of the drug without a doctor's prescription. Enhanced penalties can also be assessed if any of the above activities occur in specific locations, including public housing sites, religious buildings, and school grounds.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/SB 622 -- Public or Commercial Transportation

By Criminal Justice; Senator Miller

Linked Bills: None

Tied Bills: Similar HB 591

Committee(s)/Council(s) of Reference: Criminal Justice; Select Committee on Public Safety and Crisis Management

The bill provides that it is a third degree felony for any person to endeavor to obtain, solicit to obtain or attempt to obtain any means of public or commercial transportation or conveyance with the intent to use the conveyance to commit any felony or to facilitate the commission of any felony.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

SB 626, 1st Eng. -- Laser Lighting Devices

By Senator Saunders

Linked Bills: None

Tied Bills: HB 139

Committee(s)/Council(s) of Reference: Criminal Justice

The bill defines the term "laser lighting device" as a hand-held device, not affixed to a firearm, which emits a laser beam that is designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.

The bill provides that any person who knowingly and willfully shines, points or focuses the beam of a laser lighting device at a law enforcement officer, engaged in the performance of his or her duties and in such a way that would cause a reasonable person to believe that a firearm is pointed at him or her, is guilty of a noncriminal violation. Violation of this provision is punishable by a fine of up to \$500.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2002.

CS/CS/SB 640 -- Criminal Offenses

By Judiciary; Health, Aging and Long-Term Care; Senator Burt

Linked Bills: CS/CS/CS SB 636, 1st Eng.; CS/CS/SB 638

Tied Bills: Similar CS/HB 803; Compare HB 699, CS/HB 701

Committee(s)/Council(s) of Reference: Health, Aging and Long-Term Care; Judiciary; Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations

CS/CS/SB 640 addresses the issue of drug diversion. The bill creates four new, third degree felony offenses (ranked at Level 3 on the offense severity ranking chart of the Criminal Punishment Code) that prohibit health care practitioners from:

- knowingly assisting a patient or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations;
- employing a trick or scheme in the practice of the practitioner's professional work to assist a patient, or the owner of an animal, in obtaining a controlled substance;
- knowingly writing a prescription for a controlled substance for a fictitious person;
- writing a prescription for a controlled substance for a patient, or an animal, if the sole purpose of writing the prescription is to provide a monetary benefit to the prescribing practitioner.

The aforementioned offenses are reclassified as second-degree felonies if:

- the practitioner committed any of the offenses and received \$1,000 or more in payment for writing one or more prescriptions, or
- the practitioner has written one or more prescriptions for a quantity of a controlled substance that, individually or in the aggregate, meets the threshold for the offense of trafficking in a controlled substance under s. 893.15, F.S.

The bill enhances the penalty from a first-degree misdemeanor to a third-degree felony for the offense of "doctor-shopping," seeking to obtain controlled substances, or prescriptions for controlled substances, from multiple health care practitioners within a 30-day period, without disclosing such information to the practitioner from whom the person is seeking the substance or prescription.

The bill provides for representatives of the Department of Health (DOH) to appear before the court in criminal proceedings involving practitioners licensed by DOH for the purpose of providing the court with pertinent information, making recommendations regarding specific conditions of probation, or providing any other assistance required by the court.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

SB 716, 2nd Eng. -- Domestic Violence

By Senator Peadar

Linked Bills: None

Tied Bills: Identical CS/CS/HB 299; Compare CS/CS/CS/SB 316; includes part of SB 734; includes part of SB 1116; includes part of SB 1226

Committee(s)/Council(s) of Reference: Children and Families; Finance and Taxation; Appropriations Subcommittee on Health and Human Services; Appropriations

The bill amends the definitions for "domestic violence" and "family or household

member” in four sections of the Florida Statutes to include individuals who have or have had a dating relationship and to require present or prior co-residency between the victim and the family or household member, with the exception of when the victim and perpetrator are parents of a child in common or when there has been a dating relationship. Cross-references to the domestic violence definitions in s. 741.28, F.S., are amended to reflect the revised numbering of paragraphs in the sections.

The bill clarifies the circumstances in existing law under which a person can petition the court for an injunction for protection against domestic violence. A set of factors is provided that, if alleged in the petition, can be considered by the court in determining whether a petitioner is in imminent danger of becoming a victim of domestic violence.

The venue for a protective injunction against domestic violence is specifically defined to allow for filing in the circuit where the petitioner currently or temporarily resides, where the respondent resides or where the domestic violence occurred. The bill provides that in a cause of action for an injunction for protection against domestic violence, the full hearing must be recorded.

Subject to the Governor’s veto powers, the effective date of this bill is October 1, 2002 and January 1, 2003.

HB 835, 2nd Eng. -- Theft From Persons Age 65 or Older

By Representative Gardiner

Linked Bills: None

Tied Bills: Similar CS/SB 992

Committee(s)/Council(s) of Reference: Crime Prevention, Corrections & Safety; Criminal Justice Appropriations; Council for Healthy Communities

HB 835 creates a new section of statute which provides penalties for theft from a person 65 years of age or older. The bill also requires the offender to make restitution to the victim and to perform up to 500 hours of community service work.

Subject to the Governor’s veto powers, the effective date of this bill is October 1, 2002.

HB 841, 2nd Eng. -- Sexual Predators and Offenders

By Representative Bowen and others

Linked Bills: None

Tied Bills: Similar CS/SB 1510

Committee(s)/Council(s) of Reference: Crime Prevention, Corrections & Safety; Colleges & Universities; Council for Healthy Communities

This bill changes sexual predator and sexual offender registration laws to maintain compliance with federal standards in the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, as amended by the Campus Sex Crimes Prevention Act. Compliance with these standards ensures that the state will not be subjected to a 10 percent reduction in federal Byrne Formula Grant funding. The bill:

- Requires registered sexual predators and offenders who are enrolled or employed at an institution of higher education in Florida to register certain information with the state and to provide notice of each change of enrollment or employment status at an institution.
- Specifies the duty of the court to uphold laws governing sexual predators and sexual offenders and increases the time period in which an agency may move to modify or set aside a court order that affects the agency's performance of duty.
- Clarifies registration requirements for offenders residing in Florida who are required to register as sexual offenders in another state; and offenders residing in Florida who are under another state's supervision.
- Revises the definition of "sexual offender" to include recently adopted child pornography offenses for purposes of sexual offender registration.
- Clarifies provisions relating to the removal of sexual offender registration requirements by a court; and provisions relating to name and address changes.

The bill also provides that a victim of a sexual offense who is a disabled adult or elderly person, or is a person under the age of 18 at the time the offense occurred may request the court to order HIV testing of the alleged offender. The results of the test must be disclosed no later than two weeks after the court receives the results.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

HB 861, 1st Eng. -- State Attorneys/Reports

By Representative Flanagan

Linked Bills: None

Tied Bills: Similar CS/SB 948

Committee(s)/Council(s) of Reference: Crime Prevention, Corrections & Safety; Council for Healthy Communities

HB 861 repeals several statutes that currently require state attorneys to maintain records and make reports to the legislature. This bill is a measure that assists in streamlining the duties and responsibilities of state attorneys.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

HB 949, 1st Eng. -- Sexually Violent Offenders

By Representative Trovillion

Linked Bills: None

Tied Bills: Similar CS/SB 1824

Committee(s)/Council(s) of Reference: Crime Prevention, Corrections & Safety; Health & Human Services Appropriations; Council for Healthy Communities

House Bill 949 increases the time in advance of release that agencies with jurisdiction would be required to give notification to the Department of Children and Family Services

of the future release of offenders who may qualify for civil commitment under the Jimmy Ryce Act (Sexually Violent Predator Program). The increased time frame would:

- extend the time that multidisciplinary teams have to evaluate offenders convicted of a qualifying offense to determine whether the offender is a sexually violent predator;
- extend the time that State Attorneys and defense counsel have to prepare for the civil confinement trial;
- possibly allow for the legal process to reach finality prior to the expiration of the offender's natural incarceration sentence.

The bill clarifies that persons detained or committed under the Jimmy Ryce Act must be housed in a secure facility segregated from patients of the Department of Children and Family Services who are not detained or committed under the Jimmy Ryce Act.

The bill amends the catchline of s. 394.929, F.S., to clarify that the Department of Children and Family Services is not responsible for litigation costs of the civil commitment proceedings.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

**CS/SB 952 -- Exploitation of Elderly or Disabled Adults
By Committee on Criminal Justice; Senator Sanderson**

Linked Bills: None

Tied Bills: Similar CS/HB 479; Compare HB 901

Committee(s)/Council(s) of Reference: Criminal Justice; Children and Families

The bill provides for a 5-year statute of limitation time period for prosecuting cases involving financial exploitation of an elderly person or disabled adult. Currently, such cases must be prosecuted within 4 years of the violation if the exploitation rises to the level of a first degree felony (value of funds involved is over \$100,000), or within 3 years of the violation for all other exploitation cases.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2002.

**CS/CS/HB 1057, 2nd Eng. -- Driving & Boating Under Influence
By Council for Healthy Communities; Crime Prevention, Corrections & Safety;
Representative Simmons**

Linked Bills: None

Tied Bills: CS/CS/CS/SB 1024; Compare HB 837, SB 2474

Committee(s)/Council(s) of Reference: Crime Prevention, Corrections & Safety;
Judicial Oversight; Council for Healthy Communities

CS/CS/HB 1057 amends various statutes relating to driving under the influence (DUI) and boating under the influence (BUI) laws as follows:

- Currently, a fourth DUI or BUI conviction is a third degree felony. CS/CS/HB 1057 makes a third conviction for DUI or BUI which occurs within ten years of a prior conviction a third degree felony.

- The council substitute also requires that an ignition interlock device be installed in vehicles of persons convicted of a second DUI. With an interlock device, a vehicle will not start if the operator's blood alcohol level is in excess of 0.05 percent.
- The council substitute requires a police officer to order a breath or blood test of persons involved in accidents involving death or serious bodily injury if the officer has probable cause to believe the driver who caused the crash is driving under the influence.
- The council substitute makes the refusal to submit to a breath or blood alcohol test a first degree misdemeanor if a person's driver's license has previously been suspended for a refusal to submit to a breath, urine or blood test.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/HB 1157, 1st Eng. -- Criminal Mischief

By Representative Diaz-Balart

Linked Bills: None

Tied Bills: Similar CS/SB 1580

Committee(s)/Council(s) of Reference: Crime Prevention, Corrections & Safety;
Council for Healthy Communities

CS/HB 1157 requires a person who commits a placement of graffiti-related criminal mischief offense to pay, in addition to any other penalty, not less than \$250 for a first offense, not less than \$500 for a second offense, and not less than \$1,000 for a third or subsequent offense under s. 806.13(6). A parent or legal guardian is held liable along with a minor who commits a graffiti-related criminal mischief delinquent act. A court is not required to impose the mandatory fine if the court finds that the parent, legal guardian, or person is indigent or if the court finds that the person does not have the ability to pay the fine.

Further, a person who commits a graffiti-related criminal mischief act is required to perform at least 40 hours of community service and 100 hours of community service that involves the removal of graffiti.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/HB 1225, 2nd Eng. -- Motor Vehicle Racing Contests

By Council for Healthy Communities; Representative Arza

Linked Bills: None

Tied Bills: Identical CS/CS/SB 1738

Committee(s)/Council(s) of Reference: Crime Prevention, Corrections & Safety;
Transportation; Council for Healthy Communities

Currently, "racing" or "drag racing" is punishable as a moving violation. CS/HB 1225 makes the offense a second degree misdemeanor, punishable by up to one year in jail. A second or subsequent conviction within five years will be a first degree misdemeanor. The council substitute also requires the Department of Highway Safety & Motor Vehicles

to suspend an offender's driver's license for one year for a first violation and for two years for a second or subsequent violation. Further, the council substitute allows a court to impound a vehicle used in a race or a drag race.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2002.

HB 1289, 2nd Eng. -- HIV Testing of Inmates

By Representative Wilson

Linked Bills: None

Tied Bills: Similar HB 763, SB 308

Committee(s)/Council(s) of Reference: Crime Prevention, Corrections & Safety; Criminal Justice Appropriations; Council for Healthy Communities

House Bill 1289 requires the Department of Corrections (DOC) to test inmates for HIV infection not less than 60 days prior to release from prison. The bill also requires the DOC to provide HIV positive inmates who are about to be released with the following transitional assistance: 1) education on preventing the spread of HIV and the importance of treatment; 2) an individualized discharge plan with referrals and contacts to health care services in the community; and 3) a 30-day supply all HIV/AIDS-related medications the inmate is taking at the time of release.

If the inmate is HIV positive, the DOC is required to notify the Department of Health as well as the county health department in the community where the inmate is to reside upon release. The bill adds inmates about to be released to the list of situations where informed consent is not required for HIV testing. It provides an exception to confidentiality requirements to permit the DOC to transfer HIV status information to the Department of Health and local health departments. House Bill 1289 also requires the DOC to report to the Legislature on the implementation of the bill, and it limits the state's liability with regard to death or personal injury as a result of compliance with the act.

Finally, the bill provides for an appropriation of \$793,244 to the DOC for FY 2002-03 for the purposes of implementing the act.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

HB 1423, 2nd Eng. -- School Safety Zone/Loitering

By Representative Ryan

Linked Bills: None

Tied Bills: Similar SB 2410

Committee(s)/Council(s) of Reference: Crime Prevention, Corrections & Safety; Judicial Oversight; Council for Healthy Communities

This bill creates a new section of law which defines a "school safety zone" and limits who can be in such zone at designated times. "School safety zone" is defined as "in, on, or within 500 feet of any real property owned by or leased to any public or private elementary, middle or high school or school board and used for elementary, middle or high school education." This bill prohibits persons without legitimate business in a school safety zone from entering or remaining in the zone during certain times or if specifically

ordered to leave by the principal or his or her designee. The new restriction does not apply to residents or persons Engaged in the operation of a licensed commercial business or to abridge or infringe upon the right of any person to peaceably assemble and protest.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/HB 1447, 1st Eng. -- Arrest Without Warrant
By Council for Healthy Communities; Representative Harrell

Linked Bills: None

Tied Bills: CS/SB 2270, 1st Eng.

Committee(s)/Council(s) of Reference: Crime Prevention, Corrections & Safety; Judicial Oversight; Council for Healthy Communities

The bill authorizes a law enforcement officer to make an arrest without a warrant when there is probable cause to believe that the person has committed assault upon a law enforcement officer, a firefighter, an emergency medical care provider, public transit employees or agents, or certain other officers or has committed assault or battery upon any employee of a receiving facility. Additionally, the bill requires a law enforcement officer to arrest an offender whom the officer has probable cause to believe has committed a felony while on release supervision or parole.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2002.

SB 1568 -- Capital Collateral Proceedings

By Senator Burt

Linked Bills: None

Tied Bills: Identical HB 1091

Committee(s)/Council(s) of Reference: Criminal Justice; Judiciary; Finance and Taxation; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations

The bill requires private attorneys who represent capital defendants in post conviction collateral proceedings as a member of the statewide registry to annually attend a continuing legal education course of at least ten hours' duration that is specifically devoted to the defense of capital cases. The bill provides for payment of registry counsel in the active death warrant stage of a case. The bill deletes the statutory provision for payment of registry counsel to represent a capital defendant before the United States Supreme Court.

The bill also clarifies that the use of state funds for compensation of a registry attorney in excess of the statutory limit is not authorized. The bill authorizes the executive director of the Commission on Capital Cases to permanently remove from the registry any attorney who seeks compensation for an amount in excess of the statutory limit.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

SB 1636, 1st Eng. -- Prisoner Defined / Corrections Code

By Senator Crist

Linked Bills: None

Tied Bills: Identical CS/HB 1559

Committee(s)/Council(s) of Reference: Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations

Recently the First District Court of Appeal held that an alien being civilly detained at a county jail did not qualify as a “prisoner” under Chapter 944, F.S., and therefore could not be charged with the crime of escape. Current law does not classify a person as a prisoner unless he or she has been convicted and sentenced by a court and committed as provided by law, or arrested and in the lawful custody of any law enforcement official.

Senate Bill 1636 amends the definition of prisoner by removing the requirement that a person be convicted and sentenced by a court, and also by clarifying that a person is considered a prisoner if he or she is under arrest, regardless of whether it is a civil or criminal arrest.

As a result, the new definition of “prisoner” would apply to a person who:

- is under arrest, either civil or criminal, and in the lawful custody of any law enforcement official, or
- has been committed or detained, pursuant to lawful authority, to any municipal or county jail, state prison, prison farm, or penitentiary, regardless of whether the commitment resulted from conviction and sentence by a court, or
- has been committed, pursuant to lawful authority, to the custody of the Department of Corrections.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/HB 1641, 1st Eng. -- Law Enforcement

By Council for Healthy Communities; Representative Evers

Linked Bills:

Tied Bills: Similar CS/SB 2288

Committee(s)/Council(s) of Reference: Crime Prevention, Corrections & Safety; Council for Healthy Communities

This bill revises several provisions relating to the Criminal Justice Standards and Training Commission within the Florida Department of Law Enforcement (FDLE) to align the statutes with current practice relating to law enforcement training and professionalism. These revisions:

- Allow FDLE to conduct official inquiries of law enforcement instructors.
- Authorize physician assistants to conduct physical exams of officers for applicant certification purposes.
- Clarify that authorization for temporary employment does not end if a person fails an individual course within the basic recruit training program.

- Allow the certification of officers from other jurisdictions who pass exams and show proficiencies in specific skills without requiring these officers to repeat basic training.
- Allow FDLE to revise entry requirements for specialized training programs and adopt new training programs.
- Prohibit the assessment of costs for advanced and specialized training under certain circumstances.
- Remove a requirement that traffic accident investigation training contain a minimum of 200 hours of instruction.

This bill also amends s. 790.065(14), F.S., to extend the Firearm Purchase Program within FDLE until June 1, 2004.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002, except that the extension of the Firearm Purchase Program is effective upon becoming law.

CS/HB 1819 -- Scanner's Law / Guide Dogs / Animals
By Council for Healthy Communities; Representative Kottkamp

Linked Bills: None

Tied Bills: Similar CS/SB 2210; Compare HB 1331; CS/SB 218; includes parts of HB 1331 and SB 1252

Committee(s)/Council(s) of Reference: Crime Prevention, Corrections & Safety; Council for Healthy Communities

CS/HB 1819 provides definitions for the terms "guide dog" and "service animal."

The council substitute creates three new criminal penalties associated with harassing guide dogs and service animals. The criminal penalties are as follows:

- second-degree misdemeanor: anyone who, with reckless disregard, interferes or permits a dog that he owns or is in the immediate control of, to interfere with the use of a guide dog or service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the animal or its user;
- first-degree misdemeanor: anyone who, with reckless disregard, injures or kills, or permits a dog that he owns or is in immediate control of, to injure or kill, a guide dog or service animal;
- third-degree felony: any person who intentionally injures or kills, or permits a dog that he owns or is in immediate control of, to injure or kill a guide dog or service animal.

Further, the council substitute requires any person who is convicted of such an offenses to make full restitution for all damages, including replacement and/or training expenses for the guide dog and user, and any veterinary or other medical expenses incurred by the animal or user as a result of such offenses.

The council substitute also extends the right of the disabled to be accompanied in public facilities by specially trained guide dogs to persons who have epilepsy or other such seizure disorders. Under the council substitute, any person, firm, or corporation who

denies or interferes with admittance to, or enjoyment of, the right of a person who is subject to epilepsy or other such seizure disorders to be accompanied by a service dog in public facilities is subject to criminal prosecution as a misdemeanor of the second degree.

In addition to the substantive provisions of the council substitute, the council substitute also makes technical changes throughout s. 413.08, F.S.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

HB 1935 -- Controlled Substances

By Crime Prevention, Corrections & Safety; Representative Bilirakis

Linked Bills: None

Tied Bills: CS/SB 2300

Committee(s)/Council(s) of Reference: Crime Prevention, Corrections & Safety

The bill overturns a Florida Supreme Court case (Scott v. State, 27 Fla. L. Weekly 31 (Fla. January 3, 2001)) which held that for purposes of a prosecution relating to possession of a controlled substance, the state must prove that the defendant knew of the illicit nature of the controlled substance found in his or her possession.

The bill provides legislative findings that knowledge of the illicit nature of a controlled substance is not an element of any offense contained in Chapter 893, F.S. Lack of knowledge of the illicit nature of a controlled substance is an affirmative defense to the offenses of the chapter.

The bill provides that when a defendant asserts an affirmative defense based on lack of knowledge of the illicit nature of the substance, the possession of the controlled substance, whether actual or constructive, will give rise to a permissive presumption that the possessor knew of the illicit nature of the substance.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

Elder & Long Term Care Committee

CS/SB 268, 1st Eng. -- Persons in Positions of Trust & Confidence

By Finance and Taxation; Senator Carlton

Linked Bills: None

Tied Bills: Identical CS/HB 137, 1st Eng.; Compare CS/HB 507, 2nd Eng.; CS/SB 364, 1st Eng.

Committee(s)/Council(s) of Reference: Judiciary; Finance & Taxation; Health and Human Services Appropriations

Includes exploitation of an elderly person or disabled adult, as defined in s. 825.103(1), F.S., as cause of action; requires the establishment of a statewide registry of professional guardians through the Statewide Public Guardianship Office (SPGO). The bill allows the SPGO to delegate that function through the Florida State Guardianship Association. It diminishes the period in which unclaimed guardianship funds will escheat to the state from 10 years to 5 years and specifies that these escheated funds are to be deposited in the Department of Elder Affairs Trust Fund for distribution to the SPGO. The bill directs that the SPGO and the public guardian offices are to staff their offices with specified professionals. Further, the bill provides for the creation of a not-for-profit fundraising organization for the SPGO. The bill increases from \$5,000 to \$15,000 the maximum amount for which a natural guardian has authority to settle a minor's claim without a formal court process or approval.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/SB 276, 2nd ENG.-- Nursing Homes

By Government Operations Oversight and Productivity; Senator Crist

Linked Bills: None

Tied Bills: Similar CS/HB 255

Committee(s)/Council(s) of Reference: Health, Aging and Long Term Care; Governmental Oversight and Productivity; Judiciary

CS/SB 276, 2nd Eng. reconfigures the membership and terms of service of members of the Governor's Panel on Excellence in Long-Term Care. The terms of service are staggered to maintain continuity on the panel. The membership of the panel is reconfigured effective October 1, 2002.

The bill permits an assisted living facility (ALF) to market the facility for a fee or commission based on the volume or value of referrals to the facility, provided that specified conditions apply. The committee substitute permits an ALF to market the facility for a fee or commission based on the volume or value of referrals to the facility, provided that specified conditions apply.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/CS/HB 295 -- Persons with Disabilities

By Council for Healthy Communities; Health & Human Services Appropriations; Representative Littlefield

Linked Bills: CS/CS/SB 576

Tied Bills: Similar SB 576

Committee(s)/Council(s) of Reference: Elder & Long Term Care; Health & Human Services Appropriations; Council for Healthy Communities

This bill provides for the development and implementation of a pilot program to train individuals to become personal care attendants (PCA) for persons with traumatic spinal cord injuries, and to train those injured individuals to work with a PCA. Individuals with disabilities identified to participate in the pilot program will live in a nursing home, or have recently left the nursing home under the auspices of a Medicaid home and community-based waiver.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/SB 1246 -- Continuing Care Retirement Communities

By Banking and Insurance; Health, Aging and Long-Term Care; Senator Saunders

Linked Bills: None

Tied Bills: Similar CS/HB 781

Committee(s)/Council(s) of Reference: Banking and Finance, Health, Aging and Long-Term Care

CS/SB 1246 authorizes the Department of Insurance (DOI) to accept certain documents and information related to Continuing Care Retirement Communities (CCRCs) by electronic transmission or by facsimile. DOI is authorized to adopt rules related to these new forms of submission.

The bill also revises the minimum liquid reserve requirements currently in the statute for CCRCs. In addition, the bill authorizes certain sharing of facilities and services between "sheltered" nursing home beds and those used for extended congregate care services in the assisted living component of a CCRC. Provides that CCRC residents are not considered "new admissions" when they enter the nursing home part of the campus. It requires that fire and life safety codes of the nursing home apply to these common or shared areas.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

SB 1378 -- Nursing Homes Staff/Union Organizing

By Government Operations Oversight and Productivity; Senator Crist

Linked Bills: None

Tied Bills: Identical HB 767

Committee(s)/Council(s) of Reference: Health, Aging and Long Term Care; Commerce and Economic Opportunity

Senate Bill 1378 prohibits nursing home employees from participating in an activity related to union organizing during any time that is counted toward minimum staffing

requirements and directs that salaries paid to an employee for union organizing may not be an allowable cost for Medicaid cost reporting. The bill further provides that any expenses incurred for activities directly relating to influencing employees with respect to unionization are not an allowable cost for Medicaid cost-reporting purposes. The bill specifies, however, that these prohibitions do not apply to protected labor activities, such as addressing grievances or negotiating collective bargaining agreements; performing activities required by federal or state law or by a collective bargaining agreement; or normal personnel management communication between employees and employers.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

Health Promotion Committee

HB 615, 2nd Eng. -- Federally Qualified Health Centers

By Representative Bilirakis

Linked Bills: None

Tied Bills: Similar SB 2058

Committee(s)/Council(s) of Reference: Health Promotion; Fiscal Policy & Resources; Council for Healthy Communities

HB 615 establishes the federally qualified health center access program in the Department of Health. The bill:

- Provides a short title, the “Community Health Center Access Program Act.”
- Provides Legislative findings and intent, which provide justification as to the need for this program.
- Directs the Department of Health to develop a program for the expansion of the provision of comprehensive primary and preventive health services by federally qualified health centers, via the provision of financial assistance to those centers that apply, and demonstrate a need, for assistance. Factors to be included in applications and used in selecting centers for financial assistance are specified. For projects which involve capital expenditure projects, contracts are required to specify a state security interest in such projects.
- Specifies the establishment of a review panel of specified membership, to review center applications. Applicant funds may be used for expansion of caseloads and services, or for capital improvement projects specific to patient facilities. Elements to be used in reviewing proposals, which are to be weighted in scoring and evaluating proposals, are specified.
- Authorizes the Department of Health to contract with the Florida Association of Community Health Centers, Inc., to administer the program and provide technical assistance to centers selected to receive financial assistance.

While the bill does not contain a specific appropriations amount, it should be noted that the Governor’s Legislative Budget Request for FY 2002-2003 contains a request of \$4.6 million for purposes of this program. If funded, \$1 million of this amount will be state General Revenue; \$1 million, local matching funds; and \$2.6 million, federal Medicaid matching funds.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2002.

SB 1222, 1st Eng. -- Public Records/Parents ID/Newborns

By Senator Saunders

Linked Bills: None

Tied Bills: Similar HB 1067 (PCB HP 02-01)

Committee(s)/Council(s) of Reference: Judiciary; Rules & Calendar

At present, the identity of a parent who leaves a newborn infant at a hospital or fire station is confidential and exempt from public disclosure. This bill expands that public records exemption to include the identity of a parent who leaves a newborn infant at an emergency medical services station, which is already a statutorily designated “drop-off” location for an abandoned newborn.

This bill provides a public necessity statement, as required by the Florida Constitution, which states that this exemption is necessary in order to encourage parents to leave infants safely and thus protect the life and health of those infants.

The existing Open Government Sunset Review and repeal date as specified in s. 383.51, F.S., is extended from October 2, 2005, to October 2, 2007, consistent with the requirement of s. 119.15, F.S., which specifies a review of a public records exemption five years after the creation of a public records exemption of the substantial amendment of an existing public records exemption.

This bill does not have a fiscal impact.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

Health Regulation Committee

SB 604, 1st Eng. -- Centralized Prescription Filling

By Senator Saunders

Linked Bills: None.

Tied Bills: Similar HB 413

Committee(s)/Council(s) of Reference: Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; Appropriations

The bill defines the term “centralized prescription filling” as “the filling of a prescription by one pharmacy upon the request by another pharmacy to fill or refill the prescription. The term includes the performance of one pharmacy for another pharmacy of other pharmacy duties such as drug utilization review, therapeutic drug utilization review, claims adjudication, and the obtaining of refill authorizations.”

This bill authorizes Florida pharmacies to perform centralized prescription filling for another pharmacy when the pharmacies have the same owner, or the pharmacies have a written contract. It also requires each pharmacy participating in centralized prescription filling to include specific information in the policy and procedure manual relating to centralized prescription filling.

The bill also provides rulemaking authority to the Board of Pharmacy to adopt rules necessary to implement centralized prescription filling.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2002.

CS/SB 682 -- Substance-abuse Services

By Children and Families; Senator Peadar

Linked Bills: None.

Tied Bills: Similar CS/HB 545

Committee(s)/Council(s) of Reference: Children and Families

CS/SB 682 amends the definition of “licensed service provider,” in s. 397.311(19)(c), F.S., to specify that licensure provisions for residential treatment apply to facilities that:

- provide room and board and treatment and rehabilitation within the primary residential facility; and
- are used for room and board only and treatment and rehabilitation activities are provided on a mandatory basis at locations other than the primary residential facility in which case, all facilities must be operated under the auspices of the same provider.

CS/SB 682 amends s. 397.451, F.S., specifying that background checks for all owners, directors, chief financial officers, and service providers are subject to level 2 background screening requirements.

The bill provides that a license may not be issued to an applicant service provider if any owner, director, or chief financial officer has been found guilty of, or entered a plea to

any offense prohibited under the level 2 screening unless an exemption from disqualification has been granted by the department.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/CS/HB 817, 1st Eng. -- Newborn Infant Screening
By Council for Healthy Communities; Health Regulation; Representative Sobel
Linked Bills: None.

Tied Bills: Similar CS/CS/SB 2002

Committee(s)/Council(s) of Reference: Health Regulation, Judicial Oversight, Council for Healthy Communities

CS/CS/HB 817 creates within the Division of Children's Medical Services Prevention and Intervention of the Department of Health the Infant Screening Programs Task Force. The task force is created to perform comparative research regarding infant screening programs that currently operate in other states. The task force is required to prepare recommendations regarding newborn infant screening requirements in Florida and must develop a newborn infant screening plan tailored to the needs of Florida's population. The bill also requires the task force to submit its recommendations and plan to the Secretary of the Department of Health, the Governor, the President of the Senate, and the Speaker of the House of Representatives by September 1, 2002.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

SB 968, 1st Eng. -- Healthy Kids Corp./Operating Fund
By Senator Silver

Linked Bills: None.

Tied Bills: Similar HB 297

Committee(s)/Council(s) of Reference: Health, Aging and Long-Term Care; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; Appropriations.

SB 968 allows the Florida Healthy Kids Corporation to maintain an operating fund equal to 25 percent of annualized operating expenses. The bill requires that any remaining cash balances of state funds shall be returned to the state General Revenue Fund upon the dissolution of the Corporation.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

SB 1028 -- Pharmaceutical Education Requirement
By Senator Peadar

Linked Bills: None.

Tied Bills: Identical HB 613

Committee(s)/Council(s) of Reference: Health, Aging and Long-Term Care

This bill revises the continuing education requirements for pharmacy license renewal

under section 465.009, F.S., to provide that any Florida-licensed pharmacist may take the required continuing education courses at any time within the 2 year licensure renewal biennium. Current law requires pharmacists to complete 15 hours per year. This change would require pharmacists to complete 30 hours every two years.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 1262, 1st Eng. -- Public Health Emergency

By Health, Aging, and Long-Term Care; Senator Brown-Waite

Linked Bills: None.

Tied Bills: Identical CS/SB 1264, 1st Eng; Similar HB 1579; Compare CS/HB 507, 2nd Eng.

Committee(s)/Council(s) of Reference: Health, Aging, and Long-Term Care; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; Appropriations; Rules and Calendar.

CS/SB 1262 revises the rulemaking authority of the Department of Health (DOH) by authorizing it to require vaccination or quarantine under certain conditions. Definitions for "public health advisory" and "public health emergency" are created.

The bill authorizes the State Health Officer to take specified actions to protect the public health during a declared public health emergency, including: giving shipping priorities for specified drugs; directing the compounding of bulk prescription drugs and specifying the use of such drugs; reactivating the inactive licenses of certain practitioners to provide services during the emergency; and ordering an individual to be examined, tested, vaccinated, treated, or quarantined for certain communicable diseases under specified circumstances.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 1405 -- Health Care Practitioners/Loans

By Health Regulation; Representative Farkas

Linked Bills: None.

Tied Bills: Identical SB 2298; Compare CS/HB 507, 2nd Eng.

Committee(s)/Council(s) of Reference: Health Regulation; Council for Healthy Communities

This bill expands the state recourse over health care practitioners who have defaulted on either their state or federal student loans or service obligations. The bill requires the Department of Health (DOH) to investigate information that can be used in the prosecution of the defaulters and to report the number of practitioners in default along with the results of any investigations, and the amount of fines collected to the Legislature in its annual report required under current law. The bill also gives authority to DOH to notify the defaulter by certified mail that they will be subject to immediate suspension of their license unless, within 45 days from date of mailing, the licensee provides proof of new payment terms. It also provides grounds for discipline, which include suspension

followed by probation, and a fine equal to 10% of the defaulted loan amount that is deposited in the Medical Quality Assurance Trust Fund.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/CS/SB 1412 -- Prescription Drug Claim ID Cards

By Health, Aging and Long-Term Care; Banking and Insurance; Senator Posey

Linked Bills: None.

Tied Bills: Similar CS/CS/HB 321, 1st Eng.

Committee(s)/Council(s) of Reference: Banking and Insurance, Health, Aging and Long-Term Care

CS/CS/SB 1412 requires insurers that offer outpatient prescription drug coverage to provide patients with a benefits identification card that contains sufficient information to allow for prescription claims processing.

Insurers that already provide a health benefits identification card containing all of the information needed to process outpatient prescription drug claims are not required to provide a separate prescription drug claim identification card. Moreover, if an insurer issues annual cards, the insurer may issue a temporary sticker to patients to affix to their current benefits identification card.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2002, and shall apply to policies or contracts issued or renewed on or after that date.

CS/SB 1806 -- Florida Center for Nursing Trust Fund

By Health, Aging and Long-Term Care; Senator Silver

Linked Bills: CS/SB 1808

Tied Bills: Similar HB 1347, Compare HB 1345

Committee(s)/Council(s) of Reference: Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; Appropriations

The bill creates the Florida Center for Nursing Trust Fund to be administered by the Department of Health. Section 464.0195(3), F.S., (as created in CS/SB 1808) requires the Board of Nursing to include on its initial and renewal application forms a question on whether the nurse would voluntarily contribute to the Florida Center for Nursing, in addition to the license fees imposed for initial licensure applicants. Revenues collected from the nurses must be deposited in the Florida Center for Nursing Trust Fund and must be used solely to support and maintain the goals and functions of the Florida Center for Nursing.

This bill exempts the trust fund from service charges imposed under s. 215.20, F.S. This bill provides that any balance in the trust fund at the end of the fiscal year must remain in the trust fund at the end of the year and must be available for carrying out the purposes of the trust fund. In accordance with s. 19(f)(2), Art. III of the State Constitution, the Florida Center for Nursing Trust Fund is scheduled to terminate on July 1, 2006, and must be reviewed prior to that repeal date as provided by s. 215.3206(1) and (2), F.S.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002, if SB 1808 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law.

CS/SB 1808 -- Florida Center for Nursing

By Health, Aging and Long-Term Care; Senator Silver

Linked Bills: CS/SB 1806

Tied Bills: Similar HB 1345, Compare HB 1347

Committee(s)/Council(s) of Reference: Health, Aging and Long-Term Care; Finance and Taxation; Appropriations Subcommittee on Health and Human Services; Appropriations

In 2001, the Legislature adopted CS/SB 1558 (ch. 2001-277, L.O.F.) creating the Florida Center for Nursing for the purpose of addressing issues of supply and demand for nursing, including issues of recruitment, retention, and utilization of nurse workforce resources. The legislation provided legislative intent with regard to funding, stating "that the center will repay the state's investment by providing an ongoing strategy for the allocation of the state's resources directed towards nursing." The legislation further provided that it was "imperative that the state protect its investment and progress made in nursing efforts to date. The Legislature finds that the Florida Center for Nursing is the appropriate means to do so. The center shall have state budget support for its operations so that it may have adequate resources for the tasks the Legislature has set out in s. 464.0195." The 2001 legislation, however, did not dedicate any specific funding mechanism for the Center for Nursing.

The bill requires the Board of Nursing to include on its initial and renewal application forms a question on whether the nurse would contribute to the Florida Center for Nursing, in addition to the license fees imposed for initial licensure applicants. The bill provides that revenues collected from the nurses must be deposited in the Florida Center for Nursing Trust Fund and must be used solely to support and maintain the goals and functions of the Florida Center for Nursing.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.

CS/SB 2048, 2nd Eng. -- Organ-Transplant Services/Medicaid

By Health, Aging, and Long-Term Care; Senator Saunders

Linked Bills: None.

Tied Bills: Similar CS/HB 1415, Compare CS/HB 507, 2nd Eng.

Committee(s)/Council(s) of Reference: Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; Appropriations.

CS/SB 2048 is cited as the "Jennifer Knight Medicaid Lung Transplant Act" and requires the Agency for Health Care Administration Medicaid program to pay for medically necessary lung transplant services, subject to the availability of funds and subject to any limitations or directions provided for in the General Appropriations Act or ch. 216, F.S. The bill exempts adult lung transplants from the requirement for county contributions to Medicaid for inpatient hospitalization.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2002.
